

## **603 KAR 7:090. Railroads.**

RELATES TO: KRS 174.057, 174.130, 177.120, 277.060, 277.070, 277.170, 277.240, 277.300

STATUTORY AUTHORITY: KRS 174.057

NECESSITY, FUNCTION, AND CONFORMITY: Pursuant to KRS 174.057, the Transportation Cabinet has authority to regulate railroads and assume powers previously vested with the Railroad Commission. This administrative regulation establishes reporting requirements that will provide a means for review of railroad activity within the Commonwealth of Kentucky.

Section 1. Definition. "Railroad" means any person or entity engaged in the transportation of persons or property for compensation within this state by rail except street, suburban or inter-urban railway companies.

Section 2. Annual Reports. (1) Any railroad that passes on rail within this Commonwealth shall file annual reports with the Office of Intermodal Programs in the Transportation Cabinet.

(2) Annual reports shall be filed on or before March 31 of each year.

(3) Annual reports shall include the following information:

(a) A copy of information contained in the annual report filed with the United States Surface Transportation Board or other proper federal agency relative to Kentucky including:

1. Summary of road property and equipment and improvements to leased property and equipment within the state;

2. Railway operating revenues earned within the state;

3. Railway operating expenses within the state;

4. Mileage operated at close of year within the state;

5. Statistics of rail-line operations within the state;

6. Revenue freight carried during the year within the state; and

7. Highway-rail grade crossing within the state; or

(b) In the event the company is not required to file the report referenced in subsection (3)(a) pursuant to federal law, a copy of the Kentucky form State Statistics, incorporated by reference.

Section 3. Railroad Routes. (1) Railroads shall file a map of all active routes in the state on or before March 31 of each year.

(2) When a railroad in the Commonwealth of Kentucky discontinues service on any rail located within the state, the railroad shall send written notice of abandonment to the Office of Intermodal Programs within forty-five (45) days of filing an application for federal authority for abandonment.

Section 4. Accident Reports. (1) If the on-track equipment of a railroad is involved in an accident within this state that results in loss of life, the owner or operator of the railroad involved shall notify the cabinet of the accident.

(2) Initial notice shall be given on or before the fifth day after the accident occurred and shall consist of a written notice stating date and location of accident. The day on which the accident occurred shall not be counted in determining the fifth day.

(3) In addition to the initial notice, the owner or operator of the railroad shall send a copy of all accident reports filed with the Federal Railroad Administration or other proper federal agency pursuant to 49 US 20901, or pursuant to the Federal Railway Safety Act to the Office of Intermodal Programs within five (5) days of filing the records.

(4) The notices required by this section may be filed electronically.

Section 5. Penalty. (1) If a person or entity subject to this administrative regulation fails to file any of the forms or notices required in this administrative regulation, the cabinet may collect a penalty.

(a) The cabinet shall give the violator written notice of its intent to collect a penalty which shall:

1. State the amount of the penalty;
2. Identify the specific documents which were not filed; and
3. State that the violator has thirty (30) days to file the documents and avoid any penalty.

(b) The penalty shall not exceed \$500.

(c) The penalty shall be waived if the violator complies with this administrative regulation within thirty (30) days of the date of the notice.

(2) Filing of incomplete forms shall be deemed a failure to file for purposes of this section. The notice and penalty requirements set forth in subsection (1)(a) of this section shall apply to incomplete filings.

Section 6. Incorporation by Reference. (1) Kentucky Form State Statistics, revised 2001, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Division of Multimodal Programs, State Office Building Annex, 3rd Floor, 501 High Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. (28 Ky.R. 195; Am. 636; 867; eff. 10-2-2001)